

**Plaintiff
Jackie Fisher's**

**Response in Opposition
to Defendants'**

**Motion for
Summary
Judgment**

EXHIBIT

43

THE UNIVERSITY OF TEXAS MEDICAL BRANCH
AT GALVESTON
UTMB MANAGED CARE

GRIEVANCE APPEAL

TO: Human Resources
FROM: Jackie Fisher ANM
(Employee Name/Complainant) (Job Title)
Medical - Wynne
(Department and Facility)

The following grievance/appeal is submitted in accordance with The University of Texas Medical Branch Managed Care Discipline and Dismissal, Grievance or Appeal Policy:

FOR GRIEVANCE ONLY

Reason for Grievance (Include UTMB Managed Care Policy violated, if any):

Discrimination

Date occurred: 9-1-06

FOR APPEAL ONLY

Action being appealed:

Dismissed
 Suspension without pay
 Demotion

Date occurred: _____

Employee's Statement (Additional pages may be attached, if needed):

See attached

Desired Results:

Review & action

Employee's Signature

Jackie Fisher

9-11-06

Return the completed form and supporting information to your local UTMB Managed Care Human Resources Office.

FOR USE BY HUMAN RESOURCES ONLY

Human Resources Representative Grievance No. _____

Appeal No. _____

MANAGEMENT CONTACT:

Verbal Presentation: _____

Level 1	Date Rec'd	Date to Respondent	Due Date	Resolution
Level 2	Date Rec'd	Date to Respondent	Due Date	Resolution
Level 3	Date Rec'd	Date to Respondent	Due Date	Resolution

FISHER-100303

To: Sandy Rader, HV Human Resource Administrator
Re: Internal Grievance
Date: September 11, 2006

This internal grievance is filed against David Watson, Huntsville District Nurse Manager. I have been subjected to different terms and condition of employment than those of different gender (male) and race (Caucasian).

I (female, African American) was demoted from Cluster Nurse Manager in April 2006 by David Watson. His decision and action taken against me was an act of retaliation and racial discrimination as highlighted by specific facts. The decision was not deferred to the Estelle Management Team.

Mr. Cavan Brophy, (male, Caucasian) was demoted from Assistant Nurse Manager in September 2006. Mr. Watson deferred Mr. Brophy's level of disciplinary for decision making to the Ellis/Eastham Management Team. Inspite of Mr. Brophy's obvious continued failure to meet performance expectations, the decision/recommendation to demote Mr. Brophy was that of the Ellis/Eastham Medical Management Team. Why did the HV District Nurse Manager, (Mr. Watson) and/or the Northern Division Director of Nurses, (Ms. Gotcher) defer the decision? The last two demotions of African Americans were not deferred to the management teams.

In comparison, Mr. Watson has shown preferential treatment, he did not allow or provide the Estelle Management Team an opportunity to provide a recommendation(s) prior to his decision to demote me.

I submit this formal grievance due to Mr. Watson's discriminatory practices and inconsistent disciplinary actions for further review.

Sincerely,

Jacklyn Fisher

RECORDED
SEP 11 2006
FBI - HOUSTON

FISHER-100304